

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FILED-CLERK
U.S. DISTRICT COURT
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TEXAS EASTERN
BY *[Signature]*

ROBBIE HORN,

Plaintiff,

v.

RAMIRO HUESTA GARCIA,

Defendant.

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CIVIL ACTION NO. **2 - 0 3 C V - 4 1 5**
JUDGE *Felson*

JURY TRIAL REQUESTED

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, ROBBIE HORN, and files this, her Original Complaint, and in support thereof would respectfully show unto the Court as follows:

I.

PARTIES

1. Plaintiff **ROBBIE HORN** is an individual residing in Longview, Texas.
2. Defendant **RAMIRO HUESTA GARCIA** is an individual residing at 401A Park Avenue, Scottsboro, Alabama 35768. Defendant may be served with process through the Chairman of the State Highway & Public Transportation Commission via United States certified mail, return receipt requested, at 125 East 11th Street, Austin, Texas 78701-2483. The Chairman is hereby requested to immediately forward to **RAMIRO HUESTA GARCIA** a copy of the summons and Plaintiff's Original Complaint by United States certified mail, return receipt requested, at 401A Park Avenue, Scottsboro, Alabama 35768.

II.

JURISDICTION & VENUE

3. This Court has jurisdiction under Title 28 U.S.C. 1332 (West 2003) in that all parties are citizens of different states and the amount in controversy exceeds \$75,000.00.
4. Venue is proper in the Eastern District of Texas in that accident giving rise to Plaintiff's claims in this case occurred in the Eastern District of Texas, Defendant committed the acts of which Plaintiff complains in the Eastern District of Texas, and Plaintiff's damages accrued in the Eastern District of Texas.
5. Because venue is proper in the Eastern District of Texas, this suit is properly maintainable in any division of the Eastern District of Texas. *Mohamed v. Mazda Motor Co.*, 90 F. Supp. 2d 757 (E.D. Tex. 2000).

III.

CAUSE OF ACTION - NEGLIGENCE

6. It was on or about February 14, 2003, at the intersection of FM 1845 and State Highway 31 in Gregg County, Texas, when Ramiro Huesta Garcia, through his own negligence, failed to control his speed and struck Robbie Horn's automobile in the rear, causing serious and permanently disabling injuries to Plaintiff.

IV.

DAMAGES

7. Since the time of the accident in question, Plaintiff has been required to seek medical attention and, in reasonable probability, will require medical attention in the future. Plaintiff has lost wages in the past and continues to lose wages at the present time. Plaintiff has a lost ability to perform household services and, in reasonable probability, will have that loss in the future. Plaintiff has had pain, suffering and mental anguish in the past and, in reasonable probability, will have pain, suffering and mental anguish in the future. Plaintiff has had loss of earning capacity in the past and, in reasonable probability, will have a loss of earning capacity in the future.

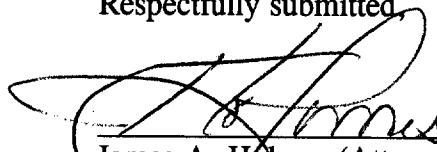
V.

CONCLUSION & PRAYER FOR RELIEF

8. In light of the negligence of Defendant and the injuries inflicted on Plaintiff, Plaintiff now brings suit for just, reasonable, and adequate compensation within the jurisdictional limits of this Court.

WHEREFORE, PREMISES CONSIDERED, ROBBIE HORN, Plaintiff, prays that the Defendant be cited to answer and appear, and that upon final adjudication of this case Defendant be required to pay all damages prayed for, along with court costs and such other legal or equitable remedies to which Plaintiff shows herself justly entitled, including pre-judgment and post-judgment interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Holmes', is written over a horizontal line.

James A. Holmes (Attorney in Charge)
State Bar No. 00784290

**WELLBORN, HOUSTON, ADKISON,
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